

USSN: 09/445,517
Amdt. Dated 11/19/04
Supplemental Amendment

REMARKS/ARGUMENTS

Prior to the instant amendments, claims 1-40 were pending. In the instant amendment, Applicants cancel claims 1-22 and 40, without prejudice, thereby reserving their right to prosecute these claims in another related application. Applicants also amend claims 23, 29, 30, 33, 35 and 38. Applicants add new claims 41 to 67.

Support for the amendments to claims 23 and 33 directed to the addition of daily doses can be found at least at page 27, lines 17-21, of the specification. Support for the amendment to 29, 30, 33, and 38; and new claims 53 to 63 directed to the number of administrations and the dose per administration can be found at least at page 27, lines 17-21 and page 28, lines 1-10. For example, it would be apparent to one of ordinary skill in the art that a total daily dose range of 0.01 mg to 5 mg given 1 to 4 times a day will yield a per administration dose range of a minimum of about 0.0025 mg/dose (given 4 times a day) to a maximum of about 5 mg (given 1 time a day). Support for new claims 41-52 and 64-67 directed to particular formulas of amylin agonist analogues can be found at least at page 15, line 1 to page 19, line 5. Support for the proviso excluding CCK and CCK agonists in the presently claimed invention can be found at least at page 9, lines 12-16 where U.S. Patent No. 5,739,106 is disclosed with claims directed to compositions of a cholecystokinin agonist and an amylin agonist or a hybrid molecule for use in controlling body weight. Accordingly, one of ordinary skill in the art would understand that the instant claims would exclude the amylin/cholecystokinin agonist compositions and uses described in Patent No. 5,739,106. Amendments to claim 35 merely correct a typographical error.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and request that a timely Notice of Allowance be issued in this case. The Examiner is encouraged to call the undersigned attorney to discuss any issues related to the prosecution of the instant application.

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Applicants believe that, aside from the excess claims fee, no additional fee is necessitated by the instant paper. However, in the event any fees are due or any amount is to be credited in the prosecution of the instant application, Applicants authorize the Commissioner of Patents to debit or credit Deposit Account No. 010535.

Respectfully submitted,



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